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OFFICE OF PETITIONS

In re Patent No. 7,127,238 :
Issue Date: October 24, 2006 :
Serial No. 09/945,414 : ON PETITION
Filed: August 31, 2001 :
Attorney Docket No. 3399P066 :
For: METHOD AND APPARATUS FOR USING :
CALLER ID INFORMATION IN A BROWSER OF :
A MOBILE COMMUNICATION DEVICE :

This is a decision on the petition under 37 CFR 1.183, filed October 16, 2006, which requests late entry of an amendment filed after allowance.

The petition is dismissed.

A Notice of Allowance and Fee(s) Due and a Notice of Allowability were mailed on June 19, 2006. The Notice of Allowability contained an Examiner's Amendment. The first paragraph of the Examiner's Amendment states "... Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee."

Petitioners filed a 312 amendment on August 23, 2006 concurrently with the issue fee. The amendment was not entered, as was communicated to petitioners in the September 20, 2006 Response to Rule 312 Communication.

The present petition was filed on October 16, 2006.

The application matured in U.S. Patent No. 7,127,238 on October 24, 2006.

Consideration of an amendment under 37 CFR 1.312 cannot be demanded as a matter of right. Prosecution of an application should be conducted before, and thus be complete

including editorial revision of the specification and claims at the time of the Notice of Allowance. However, where amendments of the type noted are shown (A) to be needed for proper disclosure or protection of the invention, and (B) to require no substantial amount of additional work on the part of the Office, they may be considered and, if proper, entry may be recommended by the primary examiner. MPEP 714.16

The present petition and amendment were filed after payment of the issue fee. They were not considered prior to the patenting of the application.

Once a patent has been granted, the U.S. Patent and Trademark Office can take no action concerning it, except as provided in 35 U.S.C. 135, 35 U.S.C. 251 through 256, 35 U.S.C. 302 through 307 and 35 U.S.C. 311 through 316. MPEP 1305

Petitioners' only viable option is reissue.

This patent file is being returned to the Files Repository.

Inquiries related to this decision should be directed to the undersigned at (571) 272-3230.



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Office of Petitions